

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	No. 1:15-CR-182
	:	
v.	:	(Judge Kane)
	:	
DOMINICK PUGLIESE,	:	Electronically Filed
Defendant	:	

**GOVERNMENT'S RESPONSE TO DEFENDANT'S MOTION FOR
DISCLOSURE OF DEFENDANT'S LOCATION AND MEDICAL
RECORDS**

AND NOW, this 11th day of February 2021, comes Assistant United States Attorney William A. Behe, who files this Response to Defendant's Motion for Disclosure and, in support thereof, avers the following:

1. Counsel for the defendant asks this court to compel the United States to disclose the whereabouts of an inmate in the custody and care of the Bureau of Prisons. Inmate Pugliese is designated to and serving his sentence at Ft. Dix, NJ. Counsel is aware that Mr. Pugliese is at a medical facility off-site receiving treatment. Counsel wants the location disclosed so he can communicate with Pugliese and get him to authorize the BOP to release Pugliese's medical charts to counsel to aid in the filing of a compassionate release motion and brief. (Doc. 294).

2. The United States has advised counsel for Pugliese that his location will not be disclosed for obvious security reasons. The facility is an unsecured hospital and disclosing the location of a sentenced prisoner at an unsecured location could lead to a breach of security and the safety of those working at that facility. This is no different than the accepted practice of the United States Marshal refusing to provide information regarding the travel plans of prisoners in transit. The location of the inmate will only be provided for security reasons upon arrival at the destination where the inmate is to be detained.

3. In order to assist counsel for the defendant the United States has provided him with the telephone number for Pugliese's spouse who has been in contact with the hospital. Furthermore, undersigned counsel will provide defense counsel with the medical records he seeks after references to Pugliese's present location are deleted. That should be completed today or tomorrow at the latest. Finally, defense counsel can also have the family obtain the records if the defendant is incapable of giving consent. *See* BOP Program Statement 5050.50 located at www.bop.gov.

WHEREFORE, for these reasons, the United States asks this court to deny the motion to compel the United States to divulge the location of the defendant on the basis of security concerns and alternative methods to obtain the records through family, or simply as moot since the United States will provide the records to defense counsel.

Respectfully submitted,

BRUCE D. BRANDLER
Acting United States Attorney

Dated: February 11, 2021

BY: /s/ William A. Behe
WILLIAM A. BEHE
Assistant United States Attorney
William.Behe@usdoj.gov
PA 32284
228 Walnut Street, Suite 220
P.O. Box 11754
Harrisburg, PA 17108-1754
Phone: (717) 221-4482
Fax: (717) 221-4493

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	No. 1:15-CR-00182
	:	
v.	:	(Judge Kane)
	:	
DOMINICK PUGLIESE,	:	Electronically Filed
Defendant	:	

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania and is a person of such age and discretion to be competent to serve papers.

That this 11th day of February 2021, she served a copy of the attached

**GOVERNMENT'S RESPONSE TO DEFENDANT'S MOTION FOR
DISCLOSURE OF DEFENDANT'S LOCATION AND MEDICAL
RECORDS**

by electronic case filing system:

QUINN SORENSON
Federal Public Defender
Quinn_sorenson@fd.org
717-782-2237

/s/ Ashley Lubold
Ashley Lubold
Legal Assistant